

RECEIVED
CENTRAL FAX CENTER

OCT 17 2006

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3732

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,242
Gary K. Michelson

Filed: March 25, 2004

INSTRUMENTATION FOR USE WITH DYNAMIC
SINGLE-LOCK ANTERIOR CERVICAL PLATE
SYSTEM HAVING NON-DETACHABLY
FASTENED AND MOVEABLE SEGMENTS

Attorney Docket No. 101.0112-01000

Customer No. 22882

Confirmation No.: 6717

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4


Date: October 17, 2006

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement and Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on October 17, 2006.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

RECEIVED
CENTRAL FAX CENTER
OCT 17 2006

PATENT
Attorney Docket No. 101.0112-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Gary K. Michelson, M.D.)	Confirmation No.: 6717
Serial No.: 10/809,242)	
Filed: March 25, 2004)	Group Art Unit: 3732
For: INSTRUMENTATION FOR USE WITH)	
DYNAMIC SINGLE-LOCK ANTERIOR)	
CERVICAL PLATE SYSTEM HAVING)	
NON-DETACHABLY FASTENED AND)	
MOVEABLE SEGMENTS)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 17, 2006

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

RECEIVED
CENTRAL FAX CENTER

3308772030

T-895 P.004/004 F-971

OCT 17 2006

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0112-01000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 10/809,242		
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date March 25, 2004		Group Art Unit 3732 Examiner N/A		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,795,804	1/1989	Urst			
	6,087,555	7/2000	Duntan et al.			
	6,106,557	8/2000	Robioneck et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial If citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						